

LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

ASSEMBLY, No. 4800

STATE OF NEW JERSEY

220th LEGISLATURE

DATED: DECEMBER 27, 2023

SUMMARY

- Synopsis:** Concerns use of ignition interlock devices for drunk driving offenses.
- Type of Impact:** Annual State and Municipal Revenue Loss from Elimination of Fines for Driving While Intoxicated.
- Agencies Affected:** State, County, and Municipal Law Enforcement Agencies and Prosecutors’ Offices; Administrative Office of the Courts; Municipal Courts; Motor Vehicle Commission.

Office of Legislative Services Estimate

Fiscal Impact	<u>FY 2024 and Thereafter</u>
Combined Annual State and Municipal Revenue Decrease	Loss of annual fine revenue between \$3.9 million and \$15.7 million
Municipal Court Expenditures	Indeterminate

- The Office of Legislative Services (OLS) estimates this bill will result in an annual loss of State and municipal revenue (combined) between \$3.9 million and \$15.7 million from the elimination of fines collected for driving while intoxicated offenses when an offender voluntarily installs an ignition interlock device upon arrest and prior to any conviction and obtains a driver’s license noting the requirement for the device.
- The OLS does not anticipate additional expenditures to the State, county, or municipality as the arrests would be prosecuted in the same manner and would not affect the cases as they are currently processed; however, the OLS does estimate there may be additional administrative costs to the municipal courts resulting from the requirement to provide a court order to the individual who was arrested prior to their conviction.

BILL DESCRIPTION

This bill extends current law for an additional five years, until January 1, 2029, regarding the required use of ignition interlock devices associated with driving while intoxicated offenses.

The bill eliminates the fines associated with these offenses in instances when an offender voluntarily installs an ignition interlock device on their car after arrest, but prior to conviction. The offender is required to obtain a driver’s license from the Motor Vehicle Commission with a notation stating the person is not to operate a motor vehicle unless it is equipped with an ignition interlock device and a copy of a court order indicating the date of installation and the related charges. This only applies if the person possessed a valid New Jersey driver’s license in good standing at the time of the offense and maintains a license in good standing until the date of conviction.

Current law, which expires on January 1, 2024, requires those convicted of driving while intoxicated to install ignition interlock devices and pay fines in accordance with the following schedule.

Level of Offense	Blood Alcohol Level (BAC)	Current Fines	Under A-4800 (2R)
First Offense			
	.08% but less than 0.10%	\$250 to \$400	\$0
	.10% or higher	\$300 to \$500	\$0
Second Offense		\$500 to \$1,000	\$0
Third and Subsequent Offense		\$1,000	\$0

The bill further provides that a person who enters into a plea agreement for operating or permitting another to operate a motor vehicle while under the influence of a narcotic, hallucinogenic, or habit-producing drug will be required to forfeit the right to operate a motor vehicle for a period of not less than six months.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS estimates this bill would reduce combined State and local revenues by \$3.9 million to \$15.7 million annually by eliminating the fines associated with convictions for driving while intoxicated when certain offenders voluntarily install an ignition interlock device upon arrest and prior to any conviction and obtain a driver’s license with a notation stating the person is not to operate a motor vehicle unless it is equipped with an ignition interlock device.

The OLS does not anticipate additional expenditures to the State, county, or municipality as the arrests would be prosecuted in the same manner as the cases are currently processed; however, the OLS estimates there may be additional administrative costs to the municipal courts resulting from the requirement to provide a court order prior to conviction. Depending on the municipal court’s resource allocation policies, the added initial workload may or may not augment administrative expenditures.

The State, counties, and municipalities currently receive these fines; however, the location of the fine is dependent on the agency issuing the ticket. The fine for a Title 39 traffic ticket, if issued

by a municipal officer, is split half-and-half by the municipality and the county. All fines from motor vehicle summonses issued by any State law enforcement officer, including a member of the State Police, are deposited into the General Fund.

DRIVING WHILE INTOXICATED CASES* ARRESTED AND CONVICTED FROM 2018 TO 2022		
YEAR	ARRESTS	CONVICTIONS
2018	34,906	18,414
2019	35,430	18,761
2020	23,777	10,701
2021	27,989	12,795
2022	29,966	15,721
TOTAL	152,068	76,392

**Administrative Office of the Courts 2023*

Although the Administrative Office of the Courts provided the OLS with the number of annual convictions, the data did not provide the level of offense for these cases, i.e., first offense, second offense, etc. As such, only a minimum to maximum range could be calculated. If all 15,721 individuals arrested in 2022 opted to install the ignition interlock device prior to conviction, the State and municipal loss of fine revenues would be between \$3.9 million and \$15.7 million annually depending on the level of the offense. The number of arrests made by either State or municipal law enforcement is not available so only a combined State/local revenue loss estimate can be made.

The OLS notes that the bill provides that upon the recommendation of the prosecutor, a person subject to a driving while intoxicated offense or a refusal to submit to a breathalyzer offense could plead guilty to a lesser offense and this may result in an indeterminate loss of additional fine revenue.

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This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).